

### **Remarks**

Applicant respectfully requests reconsideration of this application as amended. The specification has been amended to correct the use of trademarks. Claims 1, 13, 15, 20, 23, 24, 29, 31, 32, 35, 38, 39, 44, 47, 49 and 50 have been amended. Claims 2 and 14 have been cancelled. No claims have been added. Therefore, claims 1, 3-13, and 15-52 are presented for examination.

### **Specification**

The specification has been objected to for improper use of trademarks. More specifically, the Examiner has noted the improper use of the terms “Java” and “Objective-C”. Furthermore, the specification has been objected to because the JAVA trademark is used to identify/describe a computer language, and, as such, makes the description indefinite. The specification and claims have been amended to appear in proper form for allowance. Therefore, applicant respectfully requests the withdrawal of the objection against the specification and claims.

### **35 U.S.C. §112 Rejection**

Claims 1, 7, 13, 20, 24, 31, 35, 39, 44, 47, and 50 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. More specifically, the claims contain subject matter which was not described in the specification in such a way as to reasonable convey to one skilled in the relevant art that the inventor had possession of the claimed invention at the time of filing. The specification gives no indication of what the term “functionality” means. Claims 1, 7, 13, 20, 24, 31, 35, 39, 44, 47,

and 50 have been amended to obviate this rejection. Therefore, applicant respectfully requests that the 35 U.S.C. §112, first paragraph, rejection be withdrawn.

Claims 1, 7, 13, 20, 24, 31, 35, 39, 44, 47, and 50 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. More specifically, the claims appear to be missing a completion step because simply pushing code onto a communication link in according to a schedule does not achieve any useful result in view of the previous written description requirement. Applicant submits that the claims have been amended to overcome the written description requirement above. Therefore, the claims further comply with the enablement requirement. As such, applicant respectfully requests the withdrawal of the 35 U.S.C. §112, first paragraph, rejection.

Claims 20, 23, 35, 38, 47, and 49 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the term “Java-type” in these claims is rejected as it renders the claims indefinite and is an improper use of a trademark. Claims 20, 23, 29, 35, 38, 47, and 49 have been amended to place the claims in better form for allowance. The term “Java-type” has been replaced by the term “JAVA”. Therefore, applicant respectfully requests the withdrawal of the 35 U.S.C. §112, second paragraph, rejection.

### **35 U.S.C. §103(a) Rejection**

Claims 1, 3-5, 7, 9-11 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. (U.S. Patent No. 6,617,980) in view of Guarneri et al. (U.S. Patent No.

5,724,345). Applicant submits that the present claims are patentable over Endo in view of Guarneri.

Endo discloses a broadcasting type information providing system that operates to provide answer information to a user while selecting an optimum communication route and an optimum broadcasting station. The information providing system further includes and information center that stores information from travel environment information collecting devices mounted respectively on a plurality of moving bodies and transmits the stored information to the respective moving bodies. The information providing system permits efficient collection of road environment information through further limited communication by controlling the transmission timing of the road environment information collected by the respective moving bodies to the side of the information center. (Endo at col. 3, ln. 55-col. 4, ln. 10.)

Guarneri discloses a system and method which delivers data at a very high data transmission speed to many locations simultaneously. A SCANS system is supplied with a satellite uplink communication module which transmits data to an earth orbiting satellite. The satellite then retransmits the data over a wide geographic area. Each receiving location is equipped with a small satellite dish to receive data from the satellite. (Guarneri at Abstract.)

Claim 1, as amended, recites:

A method, comprising:  
determining an identifier for dynamically loadable code,  
wherein the dynamically loadable code comprises a class definition  
of an object oriented programming language;  
pushing the identifier onto a unidirectional communication  
link, wherein the identifier identifies the class definition;  
pushing the availability schedule onto the unidirectional  
communication link, the availability schedule indicates when the

dynamically loadable code will be pushed onto the unidirectional communication link; and

pushing the dynamically loadable code onto the unidirectional communication link subsequent to the availability schedule and according to the availability schedule, wherein the dynamically loadable code is to modify the execution of program code without stopping the executing program code.

Applicant submits that Endo does not disclose or suggest pushing an availability schedule onto a unidirectional communication link, the availability schedule indicating when dynamically loadable code will be pushed onto the unidirectional communication link, and pushing the dynamically loadable code onto the unidirectional communication link subsequent to the availability schedule and according to the availability schedule, as recited by claim 1. The Office Action states that Endo discloses pushing dynamically loadable code onto a unidirectional communication link according to an availability schedule at column 33 line 40 to column 34 line 7 of Endo. (Office Action mailed 6/27/05 at page 6, point 11.)

This cited portion of Endo discloses a communication unit which performs transmits broadcast receive information to a terminal. However, this communication unit performs *bi-directional communication* (see Endo at col. 33, ll. 31-32) and only provides broadcast receive information. This is not the same as claim 1 where an availability schedule is provided on a unidirectional communication link indicating when dynamically loadable code will be pushed onto the unidirectional communication link. Furthermore, the communication unit of Endo does not then also push dynamically loadable code onto a unidirectional communication link subsequent to pushing an availability schedule onto the link. It is, in fact, a separate broadcast unit in Endo that broadcasts answer information.

Therefore, Endo does not disclose or suggest pushing an availability schedule onto a unidirectional communication link, the availability schedule indicating when dynamically

loadable code will be pushed onto the unidirectional communication link, and pushing the dynamically loadable code onto the unidirectional communication link subsequent to the availability schedule and according to the availability schedule, as recited by claim 1.

Furthermore, applicant can find no disclosure or suggestion of such a feature anywhere in Guarneri. As neither Endo nor Guarneri individually disclose or suggest the cited feature of claim 1, any combination of Endo and Guarneri also cannot disclose or suggest such a feature. Therefore, claim 1 is patentable over Endo in view of Guarneri.

Claims 3-6 depend from claim 1 and include additional limitations. Therefore, claims 3-6 are also patentable over Endo in view of Guarneri. Claim 7 includes the limitations of claim 1. Therefore, claim 7 is patentable over Endo in view of Guarneri for the reasons discussed above with respect to claim 1. Claims 8-12 depend from claim 7 and include additional limitations. Therefore, claims 8-12 are also patentable over Endo in view of Guarneri.

Claims 13-18, 20, 24, 25, 30, 31-33, 35, 39, 44-46, 47, and 50 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., and further in view of Becker (U. S. Patent No. 5,937,411). Applicant submits that the present claims are patentable over Endo and Guarneri, further in view of Becker.

Independent claims 13, 31, and 44 recite, in part, pushing a manifest onto a unidirectional communication link, wherein an availability schedule of the manifest indicates when dynamically loadable code will be pushed onto the unidirectional communication link, and pushing the dynamically loadable code onto said communication link subsequent to said manifest and according to the availability schedule.

Independent claims 20, 35, and 47 recite, in part, pushing a manifest onto a unidirectional communication link, the manifest including an availability schedule that indicates when dynamically loadable code will be pushed onto the unidirectional communication link, and pushing objects of a JAVA archive file onto the unidirectional communication link subsequent to the manifest and in accordance with the availability schedule.

Independent claims 24, 39, and 50 recite, in part, receiving, over a unidirectional communication link of the push-only network, a manifest for dynamically loadable code, the manifest including an availability schedule that indicates when the dynamically loadable code will be received on the unidirectional communication link of the push-only network, and receiving, over the unidirectional communication link, the dynamically loadable code subsequent to the manifest and in accord with the availability schedule.

As discussed above with respect to claim 1, Endo in view of Guarneri does not disclose or suggest the recited features of independent claims 13, 20, 24, 31, 35, 39, 44, 47, and 50. Furthermore, applicant can find no disclosure or suggestion of such features anywhere in Becker. Therefore, Endo, Guarneri, and Becker, individually or in combination, do not disclose or suggest the features of independent claims 13, 20, 24, 31, 35, 39, 44, 47, and 50. As such, claims 13, 20, 24, 31, 35, 39, 44, 47, and 50 are patentable over Endo in view of Guarneri and further in view of Becker. Furthermore, as dependent claims necessarily include the limitations of their independent claims, the dependent claims of independent claims 13, 20, 24, 31, 35, 39, 44, 47, and 50 are also patentable over Endo in view of Guarneri and further in view of Becker.

Claims 2 and 8 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., as applied to the rejection of claim 1 above, and further in view of Kamimura (U.S. Patent No. 6,526,455). Applicant submits that the present claims are patentable over Endo and Guarneri, and further in view of Kamimura. Claim 2 has been cancelled. Claim 8 depends from claim 7. As discussed above, Endo in view of Guarneri does not disclose or suggest each of the features of claim 7. Therefore, claim 8 is patentable over Endo and Guarneri, and further in view of Kamimura.

Claims 6, 12, 26, 40, and 51 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., and further in view of Nakajima (U.S. Patent No. 6,289,510). Applicant submits that the present claims are patentable over Endo and Guarneri, and further in view of Nakajima. Claim 6 depends from independent claim 1, claim 12 depends from claim 7, claim 26 depends from 24, claim 40 depends from claim 39, and claim 51 depends from claim 50. As discussed above, Endo in view of Guarneri does not disclose or suggest each of the features of claims 1, 7, 24, 39, and 50. Therefore, claims 6, 12, 26, 40, and 51 are patentable over Endo and Guarneri, and further in view of Nakajima.

Claims 19, 21, 22, 34, 36, 37, and 48 stand rejected under stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., and further in view of Becker, and further in view of Nakajima. Applicant submits that the present claims are patentable over Endo, Guarneri, and Becker, and further in view of Nakajima. Claim 19 depends from independent claim 13, claims 21 and 22 depend from claim 20, claim 34

depends from 21, claims 36 and 37 depend from claim 35, and claim 48 depends from claim 47. As discussed above, Endo and Guarneri in view of Becker does not disclose or suggest each of the features of claims 13, 20, 21, 35, and 47. Therefore, claims 19, 21, 22, 34, 36, 37, and 48 are patentable over Endo, Guarneri, and Becker, and further in view of Nakajima.

Claims 23, 38, and 49 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., and further in view of Becker, as applied to the rejection of claim 20 above, and further in view of Nakajima, and further in view of Lounsberry et al. (U.S. Patent No. 6,574,518). Applicant submits that the present claims are patentable over Endo, Guarneri, Becker, and Nakajima, and further in view of Lounsberry. Claim 23 depends from independent claim 20, claim 38 depends from claim 35, and claim 49 depends from 47. As discussed above, Endo and Guarneri in view of Becker does not disclose or suggest each of the features of claims 20, 35, and 47. Therefore, claims 23, 28, and 49 are patentable over Endo, Guarneri, Becker, and Nakajima, and further in view of Lounsberry.

Claims 27, 28, 41, 42, and 52 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., and further in view of Nakajima, and further in view of Spyker et al. (U.S. Patent No. 6,571,389). Applicant submits that the present claims are patentable over Endo, Guarneri, Nakajima, and further in view of Spyker. Claims 27 and 28 depend from independent claim 24, claims 41 and 42 depend from claim 39, and claim 52 depends from 50. As discussed above, Endo in view of Guarneri does not disclose or suggest each of the features of claims 20, 35, and 47. Therefore, claims 27, 28,



41, 42, and 52 are patentable over Endo, Guarneri, and Nakajima, and further in view of Spyker.

Claims 29 and 43 stand rejected under 35 U.S.C. §103(a) as being anticipated by Endo et al. in view of Guarneri et al., as applied in the rejection of claim 24, further in view of Spyker et al. Applicant submits that the present claims are patentable over Endo and Guarneri, and further in view of Spyker. Claim 29 depends from independent claim 24, and claim 43 depends from claim 39. As discussed above, Endo in view of Guarneri does not disclose or suggest each of the features of claims 24 and 39. Therefore, claims 29 and 43 are patentable over Endo and Guarneri, and further in view of Spyker.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

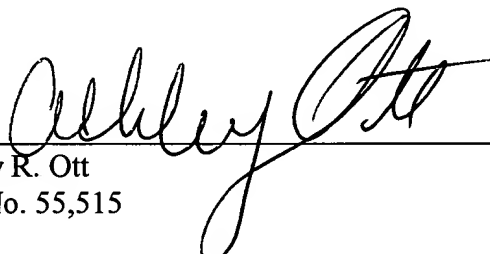
Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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